

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re:

Wisconsin & Milwaukee Hotel LLC,

Case No. 24-21743-gmh
Chapter 11

Debtor.

**NOTICE AND SUPPLEMENTAL APPLICATION OF THE DEBTOR
FOR AUTHORITY TO RETAIN AND EMPLOY
SIKICH LLC AS ACCOUNTANTS FOR THE DEBTOR**

Wisconsin & Milwaukee Hotel LLC, (“**Debtor**” or “**WMH**”), by and through its counsel, Richman & Richman LLC, submits the Notice and Supplemental Application of the Debtor to Employ Sikich LLC as Accountants for the Debtor (“**Supplemental Application**”) pursuant to Section 327 of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.* (the “**Bankruptcy Code**”), Rule 2014 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Local Rule 2014 of the United States Bankruptcy Court for the Eastern District of Wisconsin (the “**Local Rules**”), authorizing the Debtor to expand the current scope of the employment of Sikich LLC (“**Sikich**”) as its accountants. In support of the Supplemental Application, the Debtor submits the Supplemental Declaration of Gerald J. Schmit (“**Supplemental Declaration**”) attached hereto as **Exhibit A** and incorporated herein.

JURISDICTION AND VENUE

1. The Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 1334 and 157(a) and the district court’s order of reference entered in the Eastern District of Wisconsin. As a matter concerning the administration of the bankruptcy

estate, this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicates for the relief requested herein are section 327 of the Bankruptcy Code, Bankruptcy Rule 2014, and Local Rule 2014.

BACKGROUND

2. On April 9, 2024, the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (“**Bankruptcy Code**”), commencing the above-captioned bankruptcy case [Doc 1] (the “**Chapter 11 Case**”). The Debtor is authorized to operate its business as a debtor in possession pursuant to 11 U.S.C. §§ 1107(a) and 1108.

3. The Debtor owns and operates the Milwaukee Marriott Downtown (the “**Hotel**”), a full-service, high-end hotel located in the heart of downtown Milwaukee.

4. The Debtor previously retained Sikich as its accountants to prepare the Debtor’s federal and Wisconsin state tax returns for the year ended December 31, 2023, conduct an analysis of the application to the Debtor of 26 U.S.C. § 163(j), and to consult and advise the Debtor on tax matters related to its tax returns.

5. On September 6, 2024, the Debtor filed the Notice and Application of the Debtor for Authority to Retain and Employ Sikich LLC as Accountants for the Debtor Effective as of September 6, 2024 (“**Sikich Application**”) [Doc 237].

6. On September 24, 2024, the Court signed and entered the Order Granting Application of the Debtor for Authority to Retain and Employ Sikich LLC as Accountants for the Debtor Effective as of September 6, 2024 (“**Sikich Retention**

Order”) [Doc 244]. Pursuant to the Sikich Retention Order, Sikich’s effective date of employment as accountants for the Debtor was September 6, 2024.

7. Since the Sikich Retention Order was entered by the Court, Sikich has been providing the services to Debtor as set forth in the Sikich Application. *See* Sikich Application – Scope of Employment, ¶ 11, p. 4.

8. The Debtor now seeks to expand Sikich’s scope of employment to include preparation and filing of the Debtor’s federal and Wisconsin tax returns for the year ended December 2024; consulting with the Debtor regarding 2024 taxable income (loss) projections and allocations; and consulting regarding effects of this Chapter 11 case on the Debtor’s tax position and obligations.

9. The Debtor relies upon the Sikich Application and the Declaration of Gerald J. Schmit in Support of Notice and Application of the Debtor for Authority to Retain and Employ Sikich LLC as Accountants for the Debtor Effective as of September 6, 2024 (“**Schmit Declaration**”) [Doc 237 – Exhibit A], Sikich, a Delaware limited liability company, which demonstrate that Sikich has considerable experience providing professional services to businesses, including tax consulting and compliance, and is well qualified to provide the additional services described herein as accountants for the Debtor in this Chapter 11 Case.

SCOPE OF ADDITIONAL SERVICES

10. Subject to the Court’s approval, in addition to services already being provided to the Debtor by Sikich, Sikich will provide the Debtor with the following additional services in connection with the Chapter 11 Case:

- a. Tax Compliance Services - Preparation of Federal and all required State and Local tax returns, if any, including obtaining extensions of time to file, if required, for the tax year ending December 31, 2024.
- b. Additional Tax Services - In addition to the Tax Compliance Services, Sikich may be asked to provide additional tax services which include, but are not limited to,:
 - Consultations with the Debtor on the consequences and effects of this Chapter 11 Case to the Debtor's tax position and obligations;
 - Consultations with the Debtor on tax matters related to the tax returns as necessary;
 - Analysis and required implementation of any tax regulations and accounting method changes;
 - Consultations and research related to specific issues and transactions, as requested by the Debtor or the Debtor's representatives;
 - Tax projections and planning, as requested by the Debtor or the Debtor's representatives;
 - Responding to notices and letters from tax authorities; and
 - Representing the Debtor in connection with tax examinations, if necessary and requested by the Debtor or the Debtor's representatives.

COMPENSATION

11. Sikich will seek Court approval of its compensation and reimbursement of its actual, necessary, and reasonable expenses upon the filing of applications for compensation pursuant to Sections 330 and 331 of the Bankruptcy Code.

12. For the Tax Compliance Services, compensation to Sikich will be a fixed fee of \$6,063.20 for the preparation, completion, and filing of the Debtor's 2024 federal and Wisconsin state tax returns.

13. For the Additional Tax Services, Sikich intends to seek compensation based on the work performed, billed at hourly rates, plus reimbursement of the actual and necessary expenses Sikich incurs, in accordance with the ordinary and customary rates which are in effect on the date the services are rendered by Sikich, including,

but not limited to, photocopies, postage, mileage (charged at the IRS rate in effect on the date of travel), and any other incidental costs advanced by Sikich specifically for these matters, at the rates commonly charged for such costs to other Sikich clients.

14. The Debtor anticipates that the following professionals of Sikich (each a “**Professional**” and collectively, “**Professionals**”) will be the primary working Professionals on this matter, and submits that the Professionals have significant experience and knowledge of tax matters.

15. The current hourly rates to be charged by the Professionals are as follows:

Gerald J. Schmit	\$450/hr.
Jordan J. Vorlob	\$450/hr.
Erin Horman	\$450/hr.

16. Sikich, as part of its ordinary business practice, periodically reviews and adjusts the hourly rates it charges for professional services. Those adjustments typically occur at the beginning of each calendar year.

17. No fees shall be paid to Sikich except upon proper application to and approval by the Court. The Debtor has determined that the rates charged by Sikich are reasonable given the work Sikich is expected to perform. Accordingly, the Debtor believes that the continued employment of Sikich to perform the additional services will provide a material benefit to the Debtor and is in the best interests of the Debtor’s estate.

DISINTERESTEDNESS

18. Bankruptcy Rule 2014(a) requires an applicant seeking an order

approving employment to disclose, to the best of the applicant's knowledge, all connections with the debtor, the debtor's creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee or any person employed by the United States Trustee.

19. To the best of the Debtor's knowledge, other than the previous disclosures made by Sikich in the Schmit Declaration, and as may be expressly set forth herein or in the Supplemental Declaration, Sikich has no connection with the Debtor, the Debtor's creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee or any person employed by the United States Trustee.

NOTICE

20. Pursuant to Local Rule 2014, notice of this Application shall be served upon the following or their respective counsel, (a) the United States Trustee for the Eastern District of Wisconsin; (b) Computershare Trust Company, N.A., the Debtor's primary secured lender; and (c) any other persons or parties designated by the Court.

21. The Debtor asserts that notice has been provided to all required parties through the filing of this application via the Court's CM/ECF system, and requests that if no objection or request for hearing is filed within **14 days of the filing of this Supplemental Application**, that the Court grant the relief requested.

22. Subject to this Court's approval of this application, Sikich has indicated that it is willing to continue serving as the Debtor's accountants in this Chapter 11 Case, and perform the additional services described herein.

WHEREFORE, Wisconsin & Milwaukee Hotel, LLC respectfully requests the entry of an order, (a) granting this Supplemental Application; (b) authorizing the extended scope of the employment of Sikich LLC as its accountants in this Chapter 11 Case pursuant to the terms and conditions set forth in this Supplemental Application; and (c) granting such other and further relief as this Court may deem just and proper.

Dated: December 10, 2024.

**RICHMAN & RICHMAN LLC
Attorneys for Wisconsin &
Milwaukee Hotel LLC**

By: */s/ Michael P. Richman*
Michael P. Richman
Claire Ann Richman
Eliza M. Reyes
122 West Washington Avenue,
Suite 850
Madison, WI 53703
Tel: (608) 630-8990
Fax: (608) 630-8991
mrichman@RandR.law
crichman@RandR.law
ereyes@RandR.law

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re:

Wisconsin & Milwaukee Hotel LLC,

Case No. 24-21743-gmh
Chapter 11

Debtor.

**SUPPLEMENTAL DECLARATION OF GERALD J. SCHMIT
IN SUPPORT OF NOTICE AND SUPPLEMENTAL APPLICATION
OF THE DEBTOR FOR AUTHORITY TO RETAIN AND EMPLOY
SIKICH LLC AS ACCOUNTANTS FOR THE DEBTOR**

I, Gerald J. Schmit, hereby declare as follows:

1. I am a principal with the professional services firm of Sikich LLC (formerly known as Sikich LLP). I submit this supplemental declaration in support of the Notice and Supplemental Application of Debtor for Authority to Retain and Employ Sikich LLC Accountants for the Debtor Effective as of September 6, 2024 (“Application”) of Wisconsin & Milwaukee Hotel LLC, the debtor herein (“Debtor” or “WMH”).

2. Sikich LLC, a Delaware limited liability company, formerly known as Sikich LLP (“Sikich”), provides professional services to businesses including tax consulting and compliance. Sikich has several locations throughout the United States, including its office at 17335 Golf Parkway, Suite 500, Brookfield, Wisconsin, 53045.

3. Unless otherwise stated, the facts set forth herein are based on my personal knowledge, upon records maintained by Sikich in the ordinary course of

business, and which have been reviewed by me or other Sikich employees at my direction, or upon information provided to me by other Sikich partners or employees. To the extent any information disclosed in this declaration requires amendment or modification as additional information becomes available, a supplemental declaration will be submitted to the court.

4. On September 6, 2024, the Debtor filed the Notice and Application of the Debtor for Authority to Retain and Employ Sikich LLC as Accountants for the Debtor Effective as of September 6, 2024 (“**Sikich Application**”) [Doc 237], and the Declaration of Gerald J. Schmit in Support of Notice and Application of the Debtor for Authority to Retain and Employ Sikich LLC as Accountants for the Debtor Effective as of September 6, 2024 (“**Schmit Declaration**”) [Doc 237 – Exhibit A].

5. On September 24, 2024, the Court signed and entered the Order Granting Application of the Debtor for Authority to Retain and Employ Sikich LLC as Accountants for the Debtor Effective as of September 6, 2024 (“**Sikich Retention Order**”) [Doc 244]. Pursuant to the Sikich Retention Order, Sikich’s effective date of employment as accountants for the Debtor was September 6, 2024.

6. Since the Sikich Retention Order was entered by the Court, Sikich has been providing the services to Debtor as set forth in the Sikich Application. *See* Sikich Application – Scope of Employment, ¶ 11, p. 4.

7. The Debtor has asked Sikich to expand the scope of its employment as accountants for the Debtor in the above-captioned Chapter 11 Case (the “**Chapter 11 Case**”) to include preparation and filing of the Debtor’s federal and Wisconsin

state tax returns for the year ended December 2024; and to provide additional tax services, which include, but are not limited to, consulting with the Debtor regarding various 2024 taxable income (loss) projections and allocations, and the consequences and effects of this Chapter 11 Case on the Debtor's tax position and obligations.

8. Specifically, the expanded professional services that the Debtor wants Sikich to provide in connection with the Chapter 11 case are generally as follows (collectively, the "**Expanded Services**"):

- a. Tax Compliance Services - Preparation of Federal and all required State and Local tax returns, if any, including obtaining extensions of time to file, if required, for the tax year ending December 31, 2024.
- b. Additional Tax Services - In addition to the Tax Compliance Services, Sikich may be asked to provide additional tax services which include, but are not limited to,:
 - Consultations with the Debtor on the consequences and effects of this Chapter 11 Case to the Debtor's tax position and obligations;
 - Consultations with the Debtor on tax matters related to the tax returns as necessary;
 - Analysis and required implementation of any tax regulations and accounting method changes;
 - Consultations and research related to specific issues and transactions, as requested by the Debtor or the Debtor's representatives;
 - Tax projections and planning, as requested by the Debtor or the Debtor's representatives;
 - Responding to notices and letters from tax authorities; and
 - Representing the Debtor in connection with tax examinations, if necessary and requested by the Debtor or the Debtor's representatives.

9. Sikich has indicated to the Debtor that it is willing and able to provide the Expanded Services to the Debtor.

10. For the Tax Compliance Services, compensation to Sikich will be a fixed fee of \$6,063.20 for the preparation, completion, and filing of the Debtor's 2024

federal and Wisconsin state tax returns.

11. For the Additional Tax Services, Sikich intends to seek compensation based on the work performed, billed at hourly rates, plus reimbursement of the actual and necessary expenses Sikich incurs, in accordance with the ordinary and customary rates which are in effect on the date the services are rendered by Sikich, including, but not limited to, photocopies, postage, mileage (charged at the IRS rate in effect on the date of travel), and any other incidental costs advanced by Sikich specifically for these matters, at the rates commonly charged for such costs to other Sikich clients.

12. The Debtor anticipates that the following professionals of Sikich (each a “Professional” and collectively, “**Professionals**”) will be the primary working Professionals on this matter, and submits that the Professionals have significant experience and knowledge of tax matters.

13. The current hourly rates to be charged by the Professionals are as follows:

Gerald J. Schmit	\$450/hr.
Jordan J. Vorlob	\$450/hr.
Erin Horman	\$450/hr.

14. Sikich, as part of its ordinary business practice, periodically reviews and adjusts the hourly rates it charges for professional services. Those adjustments typically occur at the beginning of each calendar year.

15. No fees shall be paid to Sikich except upon proper application to and approval by the Court.

16. Sikich has not agreed to share any compensation received in connection

with this proceeding with any entity other than its members, counsel, or associates in accordance with 11 U.S.C. § 504(b).

17. As previously stated in the Schmit Declaration, to the best of my knowledge, information and belief, Sikich, including its members and staff, is a disinterested person within the meaning of 11 U.S.C. § 101(14), and continues to be eligible to serve as accountants for the Debtor pursuant to the provisions of 11 U.S.C. § 327.

I declare under penalty of perjury under the laws of the United States that, based upon my knowledge, information and belief as set forth in this Declaration, the foregoing is true and correct to the best of my knowledge.

Executed in Milwaukee, Wisconsin this 9th day of December, 2024.

Gerald J Schmit Jr

Gerald J. Schmit

Supplemental Declaration of Gerald Schmit

Final Audit Report

December 09, 2024

Created: December 09, 2024
By: Sikich(laima.barron@sikich.com)
Status: ESigned
Transaction ID: HX3JLD2X5K24E8R0T5E8WRLYXR
Documents: Supplemental Dec of Gerald Schmit (003).pdf

"Supplemental Declaration of Gerald Schmit" History

- ⌚ Document emailed to (Jerry.Schmit@sikich.com) for signature
12/9/2024 12:05:42 PM Central Standard Time
- ⌚ Document viewed by (Jerry.Schmit@sikich.com)
12/9/2024 12:51:59 PM Central Standard Time - IP address: 184.58.171.251
- ✍ Document e-signed by (Jerry.Schmit@sikich.com)
Signature Date: 12/9/2024 12:52:24 PM Central Standard Time - IP address: 184.58.171.251
- ✓ Document Signed
12/9/2024 12:52:24 PM Central Standard Time